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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

JUL 7 2008 *aw*
JUL 7 2008
MICHAEL W. BOBBINS
CLERK, U.S. DISTRICT COURT

KIRK E. BINTZLER, #01938-089

Petitioner,

V.

08-C-1293
Judge Kendall

UNITED STATES PAROLE COMMISSION,

Respondent.

MOTION FOR RELEASE ON BAIL
WHILE PETITIONER'S HABEAS CORPUS ACTION IS PENDING

Comes now Kirk Bintzler petitioner, pro se and hereby moves the court for an order of release on bail of petitioner in the amount of \$1.00 or any amount the court deems just and fair under the following circumstances and applicable legal authority.

Exhibit H-12 "NOTICE OF RELEASE AND ARRIVAL" displays petitioner was released to the Parole Commission's detainer on June 27, 2008, and that the petitioner's supervised release period will not commence until petitioner is released from the Parole Commissions warrant/detainer. Furthermore, in the matter of United States V. Johnson, 146 Led 2d at 39 the Supreme Court has affirmed though a prisoner has been illegally confined by the detaining authorities the prisoner's supervised release period can not commence until physical release from custody. Which is the position the petitioner now finds himself with notification from MCC-BOP employees the Parole Commission may take months to act to either

quash the warrant upon their own regulations and or hold a hearing for the purpose of re-paroling petitioner; delaying petitioner's commencement of supervised release in case no. 94-Cr-87, E.D. of Wisconsin contrary to the statutory authorities of Title 18 U.S.C. and the Fifth Amendment of the United States Constitution by the Commission impermissible interposing their will to hold the petitioner illegally in BOP custody thwarting the continuing running of petitioner sentence contrary to the Seventh Circuit's position "[G]overnment may not delay expiration of federal sentence by postponing its commencement, and violation of that principle may be remedied in habeas corpus proceeding." Dunne V. Keohane, 14 F. 3d 335. 336-37, Furthermore "[D]enial of bail leaves petitioner without remedy given the amount of time to be expended in adjudicating so that bail is necessary to make effective relief." Marion V. Vasquez, 812 F. 2d 499, 509, Abney V. U.S. 97 S.Ct. 2034.

C O N C L U S I O N

The court should either hold an immediate bail hearing into the matter or set bail at \$1.00 or any amount the court deems just.

Dated 7-1 2008

Respectfully Submitted,

Kirk Bintlzer
Kirk Bintlzer, pro se

CERTIFICATE OF SERVICE BY MAIL

I Kirk Bintlzer state pursuant to the perjury provisions of title 18 U.S.C. §1746. I did on the date indicated below by my signature supply a true and correct copy of the foregoing motion w/exhibit to A.U.S.A. Pierre C. Talbert at 219 S. Dearborn Street, Chicago, Ill. 60604 by placing same into a first class postage pre-paid envelope marked to said party and placing the envelope into MCC's legal mail system for service upon A.U.S.A. Talbert.

Date: 7-1 2008

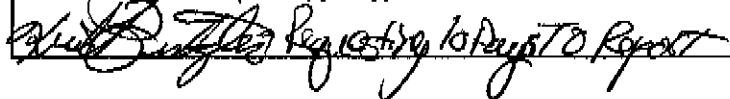
Kirk Bintlzer *Kirk Bintlzer*

**NOTICE OF RELEASE AND ARRIVAL
U.S. DEPARTMENT OF JUSTICE**
FEDERAL BUREAU OF PRISONS

Inmate Name Bintzler, Kirk		Reg No.: 01938-089 FBI No.: 891900T7 INS No:	Institution/Address Metropolitan Correctional Center. 71 West Van Buren Chicago, Illinois 60605
Release Date 6-27-08		Release Method Good Conduct Time	
Public Law Days 2	Supervision to follow release: (if yes, advise inmate of Obligation to Report for Supervision) <input checked="" type="checkbox"/> YES 3 YRS <input type="checkbox"/> NO		
RELEASED TO: (Check one)			
<input type="checkbox"/> Community Transportation arranged to: _____ (City and State) Method of transportation: _____ (Name of common carrier or other) Date of expected arrival at residence: _____		<input checked="" type="checkbox"/> Detainer Detaining Agency: <u>U.S. Parole Commission</u> Agency Address: <u>5550 Friendship Blvd.</u> <u>Chevy Chase, Maryland 20815</u>	
SUPERVISION JURISDICTION(S)			
Sentencing District Chief/Director: Trudi Schmitt, Supervision Agency: United States Probation Office District: Wisconsin-Eastern District Address: 517 E. Wisconsin Ave. Rm. 001 Milwaukee WI. 53202 Phone: (414) 297-1425		District of Residence (for relocation cases) Chief/Director: Supervision Agency: District: Address: Phone:	
Address of proposed residence: 10404 W. Jonen, Milwaukee, Wisconsin 53022			
DNA STATUS			
DNA sample required: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		If YES date sample taken 3-20-08	DNA Number PEK00728

Obligation to Report for Supervision: If you were sentenced to, or otherwise required to serve, a term of supervision, this term begins immediately upon your discharge from imprisonment, and you are directed to report for supervision within 72 hours. If you are released from a detaining authority, you shall report for supervision within 72 hours after your release by the detaining authority. If you can not report for supervision in the district of your approved residence within 72 hours, you must report to the nearest U.S. Probation Office for instruction. Failure to obey the reporting requirements described above will constitute a violation of release conditions.

Inmate's Signature (file copy only)



Distribution: Inmate Central File (Section 5), Inmate, Chief Supervision Officer in Sentencing District, Chief Supervision Officer in District of Residence, and U.S. Parole Commission (if applicable)

(Exhibit H-12)